

ENVIRONMENTAL PROTECTION COMMISSION[567]**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 22, “Controlling Pollution,” and Chapter 25, “Measurement of Emissions,” Iowa Administrative Code.

The purposes of the proposed amendments are to: (1) reduce the regulatory burden by eliminating state-only emissions testing procedures (the Compliance Sampling Manual) and adopting federal methods for emissions testing; (2) provide additional flexibility for regulated portable plants by reducing the notification time and allowing electronic submittals; (3) offer uniform regulations by updating the definition of “particulate matter” and other air quality definitions to be consistent with federal regulations; and (4) increase transparency and consistency in conducting emissions testing by placing into rule the specific procedures for conducting emissions testing. The amendments related to eliminating state-only emissions testing procedures and adopting current federal test methods are proposed to apply retroactively, as appropriate.

Item 1 amends rule 567—20.2(455B) to revise the definitions of “EPA reference method,” “particulate matter,” “standard conditions,” and “total suspended particulate” to match federal regulations.

The definition of “EPA reference method” is amended to adopt by reference EPA’s revisions to stack test methods to establish procedures for measuring fine particulate matter (PM_{2.5}) and to adopt the most current EPA reference methods for measuring other pollutant emissions (e.g., stack testing and continuous monitoring).

The definition of “particulate matter” is amended to be consistent with EPA’s recently clarified definition of particulate matter (see 40 Code of Federal Regulations (CFR) Part 51, Appendix M). However, for purposes of New Source Performance Standards, the definition of particulate matter remains as defined in 40 CFR Part 60. The proposed amendment also makes clear that particulate matter is measured by EPA-approved reference methods.

The definition of “standard conditions” is amended to match the current federal definition (see 40 CFR 60.3). Currently, the Department uses a different temperature for standard conditions, which was based on past engineering standard practices.

The definition of “total suspended particulate” is amended to clarify that it has the same meaning as “particulate matter.”

Item 2 adopts a definition of “PM_{2.5}” in rule 567—20.2(455B). The definition is based on the current definition of “PM₁₀” in Chapter 20 and is consistent with federal regulations (see 40 CFR Part 51, Subparts A and Z and Appendix M, and 40 CFR Part 58, Subpart A).

Item 3 amends paragraph 22.3(3)“f,” which contains the provisions for portable plant relocations. This amendment is in response to the Department’s recent discussions with industry representatives. The amendment includes several changes that will provide additional flexibility and reduce the regulatory burden for owners and operators that need to relocate portable plant equipment quickly.

First, the amendment reduces the notification requirement for portable plant relocation from 14 days before relocation to 7 days before relocation if the plant or equipment is being relocated to an area of the state that is classified as “attainment” with ambient air quality standards. (Currently, the vast majority of portable plant relocations are to attainment areas). This reduced notification lead time will better allow owners and operators of portable plants to quickly respond to their customers’ requests.

Second, the Department is also reducing the notification lead time required for portable plants relocating to areas that are classified as “nonattainment” or areas that are classified as “maintenance areas” for the ambient air quality standards. Owners and operators of portable plants relocating to these areas will need to submit their notifications to the Department 14 days before relocating (instead of the currently required 30 days’ advance notice). This reduced lead time will provide the Department with sufficient time to assess the possible impact to air quality from facilities relocating to these areas, while at the same time allowing for increased flexibility for owners and operators of portable plants in making relocation decisions based on the changing needs of their customers.

Third, the amendment adds the options to submit the written relocation notice to the Department by E-mail or by other electronic format specified by the Department. In many cases, E-mail is the quickest and most efficient method for owners and operators to submit these notifications. The Department has accepted E-mailed notifications for a number of years and has found it to be a practical and effective means of communication for both the Department and plant owners/operators. The amendment merely confirms and administratively codifies this option.

The Department does not currently offer an electronic format other than E-mail (such as a Web-based form or database) for submitting relocation notifications but hopes to offer such a system in the future, as resources allow. The option of electronic submittal to state agencies is already allowed under Iowa Code chapter 554D. This amendment simply codifies in the administrative rules the option to use an electronic format for portable plant relocation notifications.

The amendment also makes clear that owners and operators may still submit their written relocation notifications to the Department in a hard-copy format (such as by facsimile, hand delivery, or mail delivery, including U.S. mail).

Item 4 amends rule 567—22.100(455B) to revise the definition of “EPA reference method” for the Title V Operating Permit Program. The changes proposed to this definition are identical to the revisions proposed for the definition of “EPA reference method” in Item 1.

Item 5 amends subrule 22.108(3) to adopt by reference a revised version of the Title V “Periodic Monitoring Guidance.” The Department is revising the Guidance’s appendix to update the emissions measurement methods so that these methods match the changes being proposed in this rule making. The updated appendix and methods are the only changes the Department is proposing to the Guidance. The proposed revisions to the Guidance are available for review on the Department’s Web site at <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/StakeholderInvolvement/PublicInput.aspx> or from the Department by request.

Item 6 amends subrule 25.1(7) to add procedures for owners and owners’ authorized representatives to conduct emission tests. These procedures have been incorporated into various EPA reference methods and into Department-issued air quality permits for many years. To increase transparency and clarity, the Department is now proposing to include these procedures in administrative rules.

Item 7 amends subrule 25.1(9) to amend the methods and procedures to evaluate compliance with emission limitations or permit conditions.

First, the proposed amendment rescinds the adoption by reference of the Department’s “Compliance Sampling Manual” (CSM). The Department developed the CSM many years ago and periodically revised the CSM to prescribe the test methods and procedures for particulate matter emissions and for sulfur dioxide emissions. However, because of recent changes to federal test methods, the CSM is no longer necessary. The Department is now proposing to eliminate the CSM. Only EPA-approved test methods shall be allowed, unless the equipment owner or the owner’s authorized representative requests an alternative methodology and the alternative methodology is approved by the Department in writing.

Second, the proposed amendment revises the reference methods for performance tests and for continuous monitoring systems so that the provisions are identical to the proposed revisions to the definition of “EPA reference method” (see Items 1 and 4). This change ensures that the administrative rules for emissions measurement include up-to-date and EPA-approved test methods.

Third, the proposed amendment adds a provision that all compliance demonstrations and performance tests specified in construction and operating permits shall be conducted using only the methodology allowed in this rule (567—25.1(455B)). This change makes certain that emissions tests

and demonstrations no longer rely upon the CSM and that these tests and demonstrations are conducted according to EPA-approved methods.

The changes in this amendment are proposed to apply retroactively to all permits and compliance demonstrations. Specifically, if a compliance demonstration or performance test was required in a permit issued prior to the effective date for the final (adopted) amendment, and the demonstration or test was not required to be completed prior to the effective date, then the methodology referenced in this rule (567—25.1(455B)) shall apply retroactively. As noted above, however, the Department will consider alternative test methodologies if requested by the owner or owner's representative before the required test is conducted.

Any person may make written suggestions or comments on the proposed amendments on or before Friday, May 18, 2012, at 4:30 p.m. Written comments shall be directed to Christine Paulson, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324; fax (515)242-5094; or by E-mail to christine.paulson@dnr.iowa.gov.

A public hearing will be held on Friday, May 18, 2012, at 1 p.m. in the conference rooms at the Department's Air Quality Bureau office located at 7900 Hickman Road, Windsor Heights, Iowa. All comments must be received no later than 4:30 p.m. on Friday, May 18, 2012.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact Christine Paulson at (515)242-5154 or by E-mail at christine.paulson@dnr.iowa.gov to advise of any specific needs.

The complete Jobs Impact Statement prepared by the Department is available from the Department upon request. The following is a summary of the Jobs Impact Statement.

The Department has determined after analysis and review of this rule making that no adverse impact on jobs exists. The proposed amendments will reduce the regulatory burden and will provide additional flexibility to many facilities. This rule making could have a positive impact on jobs in Iowa because it increases collaboration with job creators to reduce the regulatory burden, provides additional flexibility, offers uniform regulations, and increases transparency for the regulated community while still ensuring that Iowa's air quality is protected and maintained.

These amendments are intended to implement Iowa Code section 455B.133 and chapter 554D.

The following amendments are proposed.

ITEM 1. Amend rule **567—20.2(455B)**, definitions of "EPA reference method," "Particulate matter," "Standard conditions" and "Total suspended particulate," as follows:

"EPA reference method" means ~~any method of sampling and analyzing for an air pollutant as described in 40 CFR 51, Appendix M (as amended through June 16, 1997); 40 CFR 52, Appendices D and E (as amended through February 6, 1975); 40 CFR 60, Appendices A (as amended through September 28, 2007), B (as amended through September 28, 2007), C (as amended through December 16, 1975), and F (as amended through January 12, 2004); 40 CFR 61, Appendix B (as amended through October 17, 2000); 40 CFR 63, Appendix A (as amended through October 17, 2000); and 40 CFR 75, Appendices A (as amended through January 24, 2008), B (as amended through January 24, 2008), F (as amended through January 24, 2008, and corrected on February 13, 2008) and K (as amended through January 24, 2008).~~ the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through December 21, 2010); 40 CFR 60, Appendix A (as amended through September 9, 2010); 40 CFR 61, Appendix B (as amended through October 17, 2000); and 40 CFR 63, Appendix A (as amended through August 20, 2010).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through September 9, 2010); 40 CFR 60, Appendix F (as amended through September 9, 2010); 40 CFR 75, Appendix A (as amended through March 28, 2011); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through March 28, 2011).

“Particulate matter” (except for the purposes of New Source Performance Standards as defined in 40 CFR 60) means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions and includes gaseous emissions that condense to liquid or solid form as measured by EPA-approved reference methods.

“Standard conditions” means a gas temperature of 70 68°F and a gas pressure of 29.92 inches of mercury absolute.

“Total suspended particulate” means particulate matter as measured by an EPA-approved reference method as defined in this rule.

ITEM 2. Adopt the following new definition of “PM_{2.5}” in rule **567—20.2(455B)**:

“PM_{2.5}” means particulate matter as defined in this rule with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA-approved reference method.

ITEM 3. Amend paragraph **22.3(3)“f”** as follows:

f. A permit is not transferable from one location to another or from one piece of equipment to another unless the equipment is portable. When portable equipment for which a permit has been issued is to be transferred from one location to another, the department shall be notified in writing at least 14 7 days prior to the transfer of the portable equipment to the new location. Written notification shall be submitted to the department through one of the following methods: electronic mail (e-mail), mail delivery service (including U.S. Mail), hand delivery, facsimile (fax), or by electronic format specified by the department (at such time as an Internet-based submittal system or other, similar electronic submittal system becomes available). However, if the owner or operator is relocating the portable equipment to an area currently classified as nonattainment for ambient air quality standards or to an area under a maintenance plan for ambient air quality standards, the owner or operator shall notify the department at least 30 14 days prior to transferring the portable equipment to the new location. A list of nonattainment and maintenance areas may be obtained from the department, upon request, or on the department’s Internet Web site. The owner or operator will be notified by the department at least 10 days prior to the scheduled relocation if said relocation will prevent the attainment or maintenance of ambient air quality standards and thus require a more stringent emission standard and the installation of additional control equipment. In such a case, the owner or operator shall obtain a supplemental permit ~~shall be obtained~~ prior to the initiation of construction, installation, or alteration of such additional control equipment.

ITEM 4. Amend rule **567—22.100(455B)**, definition of “EPA reference method,” as follows:

“EPA reference method” means ~~any method of sampling and analyzing for an air pollutant as described in 40 CFR 51, Appendix M (as amended through June 16, 1997); 40 CFR 52, Appendices D (as amended through February 6, 1975) and E (as amended through February 6, 1975); 40 CFR 60, Appendices A (as amended through September 28, 2007), B (as amended through September 28, 2007), C (as amended through December 16, 1975), and F (as amended through January 12, 2004); 40 CFR 61, Appendix B (as amended through October 17, 2000); 40 CFR 63, Appendix A (as amended through October 17, 2000); and 40 CFR 75, Appendices A (as amended through January 24, 2008), B (as amended through January 24, 2008), F (as amended through January 24, 2008, and corrected on February 13, 2008) and K (as amended through January 24, 2008).~~ the following methods used for performance tests and continuous monitoring systems:

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended through December 21, 2010); 40 CFR 60, Appendix A (as amended through September 9, 2010); 40 CFR 61, Appendix B (as amended through October 17, 2000); and 40 CFR 63, Appendix A (as amended through August 20, 2010).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through September 9, 2010); 40 CFR 60, Appendix F (as amended through September 9, 2010); 40 CFR 75, Appendix A (as amended through March 28, 2011); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through March 28, 2011).

ITEM 5. Amend subrule 22.108(3) as follows:

22.108(3) Monitoring. Each permit shall contain the following requirements with respect to monitoring:

a. All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to Section 114(a)(3) or 504(b) of the Act;

b. Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subrule 22.108(5). Such monitoring shall be determined by application of the "Periodic Monitoring Guidance" (~~June 18, 2001~~ as amended through [insert effective date of this amendment]) available from the department;

c. As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods; and

d. As required, Compliance Assurance Monitoring (CAM) consistent with 40 CFR Part 64 (as amended through October 22, 1997).

ITEM 6. Amend subrule 25.1(7) as follows:

25.1(7) Tests by owner. The owner of new or existing equipment or the owner's authorized agent shall conduct emission tests to determine compliance with applicable rules in accordance with these requirements.

a. General. The owner of new or existing equipment or the owner's authorized agent shall notify the department in writing not less than 30 days before a required test or before a performance evaluation of a continuous emission monitor to determine compliance with applicable requirements of 567—Chapter 23 or a permit condition. Such notice shall include the time, the place, the name of the person who will conduct the tests and other information as required by the department. If the owner or operator does not provide timely notice to the department, the department shall not consider the test results or performance evaluation results to be a valid demonstration of compliance with applicable rules or permit conditions. Upon written request, the department may allow a notification period of less than 30 days. At the department's request, a pretest meeting shall be held not later than 15 days before the owner or operator conducts the compliance demonstration. A testing protocol shall be submitted to the department no later than 15 days before the owner or operator conducts the compliance demonstration. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the director in the form of a comprehensive report within six weeks of the completion of the testing.

b. New equipment. Unless otherwise specified by the department, all new equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Tests conducted to demonstrate compliance with the requirements of the rules or a permit shall be conducted within 60 days of achieving maximum production but no later than 180 days of following startup, unless a shorter time frame is specified in the permit.

c. Existing equipment. The director may require the owner or the owner's authorized agent to conduct an emission test on any equipment if the director has reason to believe that the equipment does not comply with applicable requirements. Grounds for requiring such a demonstration of compliance include a modification of control or process equipment, age of equipment, or observation of opacities or other parameters outside the range of those indicative of properly maintained and operated equipment. Testing may be required as necessary to determine actual emissions from a source where that source is believed to have a significant impact on the public health or ambient air quality of an area. The director shall provide the owner or agent not less than 30 days to perform the compliance demonstration and shall provide written notice of the requirement.

d. Testing procedures. The equipment being tested shall be operated in a normal manner. For compliance demonstrations, the equipment being tested shall be operated at a rate of at least 90 percent of either its maximum continuous output as rated by the manufacturer or its permitted maximum operating

rate. For testing other than compliance demonstrations, the equipment being tested shall be operated at a rate demonstrable by production records of the source to be equal to or greater than the normal production rate of the source. The “normal” production rate of the source shall be defined as the total annual production volume divided by the number of hours the source or process has operated during the previous 12 months. Each test shall consist of at least three separate test runs. Unless otherwise specified by the department, compliance shall be assessed on the basis of the arithmetic mean of the emissions measured in the three test runs.

ITEM 7. Amend subrule 25.1(9) as follows:

25.1(9) *Methods and procedures.* Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567—Chapter 23 or a permit condition are those specified in the “Compliance Sampling Manual”²¹ adopted by the commission on May 19, 1977, as revised through January 30, 2003. Sampling methods, analytical determinations, minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are those found in Appendices A (as amended through September 28, 2007), B (as amended through September 28, 2007) and F (as amended through January 12, 2004) of 40 CFR Part 60, and Appendices A (as amended through January 24, 2008), B (as amended through January 24, 2008), F (as amended through February 13, 2008) and K (as amended through January 24, 2008) of 40 CFR Part 75, as follows:

a. Performance test (stack test). A stack test shall be conducted according to EPA reference methods as specified in 40 CFR 51, Appendix M (as amended through December 21, 2010); 40 CFR 60, Appendix A (as amended through September 9, 2010); 40 CFR 61, Appendix B (as amended through October 17, 2000); and 40 CFR 63, Appendix A (as amended through August 20, 2010). The owner of the equipment or the owner’s authorized agent may use an alternative methodology if approved by the department in writing before testing.

b. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through September 9, 2010); 40 CFR 60, Appendix F (as amended through September 9, 2010); 40 CFR 75, Appendix A (as amended through March 28, 2011); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through March 28, 2011). The owner of the equipment or the owner’s authorized agent may use an alternative methodology for continuous monitoring systems if approved by the department in writing prior to conducting the minimum performance specification and quality assurance procedures.

c. Permit and compliance demonstration requirements. After [insert effective date of this amendment], all stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567—Chapter 23 or required in a permit issued by the department pursuant to 567—Chapter 22 or 33 shall be conducted using the methodology referenced in this rule. If stack sampling was required for a compliance demonstration pursuant to 567—Chapter 23 or for a performance test required in a permit issued by the department pursuant to 567—Chapter 22 or 33 before [insert effective date of this amendment] and the demonstration or test was not required to be completed before [insert effective date of this amendment], then the methodology referenced in this subrule applies retroactively.